

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

James E. Shively and Marcia Shively, h/w	:	CIVIL ACTION NO.
4906 Flame Way	:	CASE NO.
Indianapolis, IN 46254	:	
	:	
V.	:	
	:	COMPLAINT
Caesars Atlantic City	:	
2100 Pacific Avenue	:	DESIGNATION OF TRIAL
Atlantic City, NJ 08401	:	COUNSEL
	:	
	:	ATTORNEY CERTIFICATION
	:	AND RULE 47 CERTIFICATION

RULE 47 CERTIFICATION

Eric G. Zajac, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm Zajac & Arias, L.L.C., attorneys for and on behalf of the Plaintiffs in the within matter.
2. I certify that the damages recoverable in this case do not exceed the sum of \$100,000.00 exclusive of interest and costs of suit.
3. I certify that this matter is eligible for arbitration under the Rules of Court.



ESQUIRE

Eric G. Zajac,

DATED: November 29, 2007

UNITED STATES DISTRICT COURT FOR
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CAMDEN VICINAGE

James E. Shively and Marcia Shively, h/w	:	CIVIL ACTION NO.
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1. Plaintiffs, James Shively and Marcia Shively are husband and wife residing at 4906 Flame Way, Indianapolis, IN 46254.

2. Defendant, Caesars Atlantic City is a corporation, incorporated under the laws of New Jersey with a principal place business of 2100 Pacific Avenue, Atlantic City, New Jersey 08401.

3. At all relevant times the Defendant owned and/or operated and/or controlled and had the duty to maintain the premises involved herein.

4. At all relevant times Defendant, Caesars Atlantic City had under its care and direction the supervision, control and maintenance of the premises located at 2100 Pacific Avenue, Atlantic City, New Jersey and it was the Defendant's duty to keep and maintain the bathrooms located on or adjoining said property in a reasonably safe condition.

5. On or about the 7th day of July, 2007, a dangerous, negligent and/or defective condition existed on premises as aforementioned and Defendant knew or should have known of the existence of same.

6. On the aforesaid date, Plaintiff, James Shively was lawfully upon the premises, specifically, a bathroom, when by reason of the negligence of the Defendant, he was caused to slip and/or trip on the bathroom floor, as a result of which James Shively suffered serious, painful and permanent injuries as more particularly hereinafter set forth.

7. Said incident was caused solely by the negligence of the Defendant, Caesars Atlantic City including but not limited to the following:

- (a) Failing to maintain said bathroom on the premises in a safe and reasonable condition for persons such as the Plaintiff, James Shively using said premises;
- (b) Failing to reasonably inspect said bathroom to ascertain the existence of the negligent condition when Defendant knew or should have known of the existence of said negligent condition;
- (c) Failing to warn persons on the premises of the negligent and/or defective condition; and
- (d) Negligently allowing said defect to remain on the premises.

COUNT I

PLAINTIFF, JAMES SHIVELY v. DEFENDANTS

8. Plaintiff, James Shively, incorporates by reference the allegations contained in paragraphs one (1) through (7) seven of this Civil Action as though the same were fully set forth herein at length.

9. Solely because of the negligence of the Defendant acting as aforesaid, Plaintiff, James Shively was caused to sustain serious physical injury in and about the person, including but not limited to back injury, as well as severe shock to the nerves and nervous system and was

or may have been otherwise injured, whereby Plaintiff has suffered and will continue to suffer in the future.

10. Plaintiff, James Shively may have sustained other injuries.

11. Plaintiff, James Shively avers that the injuries sustained may be of a permanent nature and character.

12. By reason of the negligence of the Defendant acting as aforesaid, Plaintiff, James Shively was hindered in and prevented from attending his usual duties and occupations, all to his great detriment and loss.

13. By reason of the negligence of the Defendant acting as aforesaid, Plaintiff, James Shively has been and may in the future be required to expend various sums of money for medical expenses and treatment of the injuries as aforesaid.

WHEREFORE, Plaintiffs, James Shively and Marcia Shively, demand damages and judgment against Defendant, in a sum less than ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS.

COUNT II

WIFE-PLAINTIFF, MARCIA SHIVELY V. DEFENDANT

14. Wife-Plaintiff, Marcia Shively, incorporates by reference the allegations contained in paragraphs one (1) through (13) thirteen of this Civil Action as though the same were fully set forth herein at length.

17. Wife-Plaintiff avers that she is the spouse of the Plaintiff, James Shively.

18. As a result of the aforementioned occurrence, said Plaintiff has been and may in

the future be required to expend various sums of money for medical services, medicines and/or x-rays in an effort to treat and cure the spouse of the injuries sustained in the occurrence and has incurred or may incur other losses for which she is entitled to be compensated.

19. Further, by reason of the aforesaid, said Wife-Plaintiff has been deprived of the comfort, assistance, companionship and society of her spouse.

WHEREFORE, Plaintiffs demand damages and judgment against Defendants, in a sum less than ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS.

ZAJAC & ARIAS, L.L.C.



BY: Eric G. Zajac
Counsel for Plaintiff

DATED: November 29, 2007

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DESIGNATION OF COUNSEL

Eric G. Zajac, ESQUIRE, will act as counsel for plaintiff in this case.

ZAJAC & ARIAS, L.L.C.



BY: Eric G. Zajac
Counsel for Plaintiff

DATED: November 30, 2007

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CERTIFICATION

Eric G. Zajac, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm of Zajac & Arias, L.L.C., attorneys for and on behalf of the Plaintiffs in this matter.
2. The matter involved here as far as I know is not the subject of any other action pending or contemplated arbitration proceeding.
3. I know of no party who should be joined in this action who has not already been joined.
4. I certify that the within statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

ZAJAC & ARIAS, L.L.C.



BY: Eric G. Zajac
Counsel for Plaintiff

DATED: November 30, 2007